IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 26913 of 2007(D)

PETITIONER:

PATRICK MARTIN, AGED 72,
S/O.VINCENT MARTIN, RESIDING AT RAJEENA HOUSE,
PUTHUVAL PURAYIDOM, KOTTAYATHUKADAVU,
MATHILIL P.O., KOLLAM.

BY ADV. SRI.R.S.KALKURA
SRI.HARISH GOPINATH

RESPONDENTS:

1.THE STATE OF KERALA,
REPRESENTED BY SECRETARY, LOCAL SELF GOVERNMENT
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE THRIKADAVOOR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY (SPECIAL GRADE),
ANCHALUMMOODU, PERINADU PO, KOLLAM.

R1 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C) No.26913 of 2007

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Dated: 10th September, 2007

JUDGMENT

The grievance of the petitioner is that without considering Ext.P6 objections filed by him to Ext.P1 notice, the Panchayat is going to demolish his building in implementation of Ext.P1. But as rightly submitted by the learned Government Pleader who has taken notice on behalf of the 1st respondent, Ext.P1 is only a provisional order. I therefore dispose of the Writ Petition issuing the following directions:

The Panchayat is directed to finalise the action proposed under Ext.P1 only after taking into account Ext.P6 objections and after hearing the petitioner. Such finalisation will be made by the Panchayat at the earliest and at any rate within one month of receiving copy of this judgment. Till such time as final orders are passed on the issue by the Panchayat, the building belonging to the petitioner and the subject matter of Ext.P1 will not be demolished.

srd **PIUS C.KURIAKOSE, JUDGE**